

REMARKS

The Office Action addresses claims 2-15. Claims 2-15 stand rejected under 35 USC §112. Claims 2-7 and 9-15 stand rejected under 35 USC §102. Claims 2-15 stand rejected under 35 USC §103. By the foregoing amendment, claims 4, 5, 11, 13, 14 and 15 are amended. Claims 2-15 remain in the application. In light of the foregoing amendment and the following remarks, withdrawal of the rejections and reconsideration of the claims are courteously solicited.

Claims 2-15 stand rejected under 35 USC §112, second paragraph. With regard to claim 13, the term "movable" has been deleted. Further, the terms "bicycles" and "bicycle" are deleted in claim 13. The term shoe in claim 13, objected to as being duplicative of the inclusion of a shoe in claim 12, has been deleted. With respect to claim 14, the terms "engageable", "may be detached", and "movable" have been deleted. With respect to claim 15, the terms "engageable", "may be detached", and "movable" have been deleted. The term "bicycles" in the first line of claims 14 and 15 has been changed to read "a bicycle". In light of the amendments, which are believed to address all of the Examiner's objections, withdrawal of the rejection under 35 USC §112 is respectfully requested.

Claims 2-7 and 9-15 stand rejected under 35 USC §102(b) as being anticipated by Lyotard French Patent No. 2 624 470. This rejection is respectfully traversed.

Lyotard '470 discloses a pedal and shoe wedge assembly. The assembly includes two major components. First, a wedge (1) is attached to the sole of a bicyclist's shoe. The wedge includes a transverse indented part (1f, see Figures 5-6) that fully supports the downward force exerted by the wedge onto a central and hollow part (4d, see Figure 7) of the hub (4) of the pedal. The wedge is attached to the pedal by the bicyclist placing his foot above the pedal in such a way that the indented section (1f) of the wedge is approximately above the central part (4d) of the pedal (see Figure 8). As the

bicyclist presses downwardly, the ring 7 at the end of the pedal shaft is forced outwardly against the bias of the spring 8 to widen the gap so that the wedge can be seated in between the parts (4c), (7). The wedge then bears against the central part (4d), and is prevented from lifting therefrom by the projecting parts (1g1, 1g2), which are trapped in recesses (4e and 7c) on the interior faces of the parts (4c and 7). To remove the wedge from the pedal, the bicyclist exerts an outward force, sliding the wedge along the pedal and urging the ring (7) outwardly, so that the inwardly positioned lateral projecting part (1g1) clears the part (4c), and the bicyclist can incline his foot outwardly to clear the wedge from the pedal. In the assembled state, i.e. when in use by the bicyclist, the wedge is in contact with the central part (4d) of the pedal and the projecting parts (4c and 7) engage the fixed part (4c) of the pedal and removable ring (7).

Lyotard '470 does not disclose a pedal system including a pedal having a seat for a detent element of the shoe insert, the seat being conformed between two seat parts that are constructed rotationally symmetrically about the pedal axle, which are slidably related to each other along the pedal axle under spring force, and which are components of sleeves with cylindrical external surfaces outside of the seat, the shoe insert having a control element which is forced against the cylindrical external surfaces of the sleeves, as required by amended claim 13. Instead, Lyotard '470 discloses that when any portion of the assembly, such as the wedge attached to a bicyclist's shoe, is in the engaged position, no portion of the wedge is forced against the cylindrical external surfaces of the sleeves outside of the seat. Therefore, Lyotard '470 does not appear to contain each and every element of claim 13. Claims 2-12, which depend from claim 13, should be considered patentable therewith. Withdrawal of the rejection of claims 2-13 and reconsideration of the claims are respectfully requested.

Regarding claim 14, Lyotard '470 does not disclose a seat for a detent element formed by seat parts having cylindrical external surfaces positioned outside the seat along the pedal axle, wherein the shoe insert includes a control element comprising two wings which bear on the cylindrical external surfaces of the sleeves when the cams of the detent element are engaged below the seat parts, as required by amended claim 14. Instead, Lyotard '470 discloses that no portion of the shoe insert bears on the cylindrical external surfaces of the sleeves when any portion of the shoe insert is engaged below the seat parts. Therefore, claim 14 does not appear to be anticipated by Lyotard '470. Accordingly, withdrawal of the rejection and reconsideration of claim 14 are respectfully requested.

Regarding claim 15, Lyotard '470 does not disclose the pedal including a seat for the detent element formed between two seat parts, the seat parts being components of sleeves with cylindrical external surfaces outside the seat, and wherein the shoe insert includes a control element having supporting wings extending laterally of the detent element, the supporting wings having an inside cylindrical surface contacting said cylindrical external surfaces of the sleeves. Further, Lyotard '470 does not disclose the inside cylindrical surface of the supporting wings having a radius of curvature which is larger than a radius of the external surfaces of the sleeves, whereby contact between the inside cylindrical surface of the supporting wings and the cylindrical external surfaces of the sleeves centers the shoe insert on the pedal, as required by amended claim 15. Instead, Lyotard '470, as discussed above, discloses a wedge which bears on a central portion of the pedal between the seat parts that form the seat. Lyotard '470 does not disclose any contact between the supporting wings and the cylindrical external surfaces, and therefore necessarily does not disclose that said contact centers the shoe insert on the pedal, as required by claim 15. Therefore, it does not appear that claim 15 is anticipated by

Lyotard '470. Accordingly, withdrawal of the rejection and reconsideration of claim 15 are respectfully requested.

Claims 2-15 stand rejected under 35 USC §103(a) as being unpatentable over Lyotard '470. This rejection is respectfully traversed.

The rejection of claims 2-15 under 35 USC §103(a) appears to be for the purpose of dispensing with "use" limitations of the claims, and to proclaim as obvious a structural component of claim 8 which is not found in Lyotard '470. With regard to the "use" rationale for rejecting under 35 USC §103, in light of the amendment of the claims and the discussion above with respect to the 35 USC §102 rejection, the 35 USC §103 rejection should be considered moot.

Regarding the rejection of claim 8, and the discovery of a tapered portion in the detent element, Applicant respectfully asserts that the shoe wedge disclosed by Lyotard '470 refers to the entire device intended for attachment to a bicyclist's shoe, and does not refer to the mechanical device comprising two inclined planes arranged to provide a mechanical advantage, as asserted by the Examiner. Applicant respectfully asserts that a "shoe wedge" is in fact a term of art interchangeable with the Examiner's preferred term "cleat". Applicant offers no evidence of this usage, as it is not particularly relevant to this discussion, inasmuch as the independent claim 13, from which claim 8 depends, should be considered patentable, and claim 8 is patentable therewith. Further, if an Applicant is considered to be one's own "lexicographer", then Lyotard '470 has chosen to use the term wedge to refer to the whole device that is attached to the bicyclist's shoe. The use of this term in this context does not constitute a disclosure of a "wedge" in the traditional meaning of the word. Accordingly, Lyotard '470 neither anticipates nor renders obvious the inclusion of the detent element being an elongated component which has a tapered portion, as required by claim 8. Accordingly, withdrawal of

the rejection under 35 USC §103 and reconsideration of claim 8 are respectfully requested.

In light of the foregoing amendment and remarks, the claims remaining in the application are considered to be in condition for allowance and early notice of allowability is courteously solicited. If necessary to further prosecution of the application, the Examiner is invited to contact the Applicant's representatives listed below.

Respectfully submitted,


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